

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.1653 OF 1999

Prabhakar Mallappa Shedbale,
aged adult, resident of Herwad
Taluka Shirol District Kolhapur.

Petitioner

vs.

1. The State of Maharashtra
through its Secretary, Tribal
Development Department, Mantralaya,
Mumbai 400 032.

2. Chairman, Committee for Scrutiny
Verification of Tribe Claims, M.S.,
Pune, 28th Queens Garden,
Pune 411 001.

3. Joint Director, Technical Education
Divisional Office, 412 E Shivaji
Nagar, Pune 411 016.

Respondents

Mr.R.K.Mendadkar for the petitioner.

Mr.C.R.Sonawane, A.G.P. for the respondents 1 to 3.

**CORAM : R. M. LODHA &
A.S.BAGGA, JJ.**

DATED : 19th June, 2006

ORAL JUDGMENT (Per R.M.Lodha,J.)

Mr.R.K.Mendadkar, the counsel for the petitioner
submits that the petitioner accepts the finding of the
Committee for Scrutiny and Verification of Tribe Claims,
Pune recorded in the order dated 13th January, 1999 that
he does not belong to Scheduled Tribe Mahadeo Koli.

2. Mr.R.K.Mendadkar, however, submits that the
petitioner may be given benefit of the Government

Resolution dated 15th June, 1995 which protects the services of the Other Backward Class candidates appointed against the seats reserved for Scheduled Tribe.

3. Mr.C.R.Sonawane, Assistant Government Pleader does not dispute the position concerning Government Resolution dated 15th June, 1995.

4. We, accordingly, dispose of the writ petition by the following order:

(i) The finding recorded by the Committee for Scrutiny and Verification of Tribe Claims, Pune in its order dated 13th January, 1999 that petitioner does not belong to Scheduled Tribe "Mahadeo Koli" is confirmed.

(ii) The petitioner and his family members shall not henceforth take any advantage or benefit by claiming their caste to be Mahadeo Koli.

(iii) The petitioner being "Koli" (special Backward Class) is declared to be entitled to the Government Resolution

dated 15th June, 1995 and, therefore,
his employment is protected by the said
Government Resolution dated 15th June,
1995.

No costs.

(R.M. LODHA,J.)

(A.S. BAGGA,J.)